

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

DESPATCH

October 7, 1856

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Circular.

First Department of State,
Commercial Bureau,
Palace, October 7, 1856.

Dear Sir: For the purpose of preventing disputes which frequently arise between the foreign consuls stationed in the Island of Cuba and the local authorities of that colonial province, in regard to the intervention of the former in the estates of intestates of their respective countries arising in that territory it has been determined that the provisions of the 28th article of the royal decree respecting foreigners, of the 17th of November, 1852, in force only in the Peninsula, shall also completely apply to the Spanish dominions beyond sea. Consequently, in all cases of abintestate death in said dominions of foreign subjects domiciliated or travelling therein, the local authorities shall in conjunction with the consul of the nation to which the deceased belongs, draw up an inven-

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tory of the property and effects, and will adopt appropriate measures to place them in safe keeping until the lawful heir shall come forward or his legal representative. In such intestate estates, as well as in testamentary estates, the courts of the country alone shall have cognisance of claims which may be made for a distraint of property for the payment of creditors, and of any other claim calling for the fulfilment of the obligations or responsibilities contracted in Spain or in favor of Spanish subjects; but at such time, and in like manner, when owing to the numerous liabilities, the intestate estate of a foreign subject is declared under control of a general meeting of creditors, or owing to any other cause said intestate estate acquires a litigious character, the local authorities shall act by themselves and exercise their jurisdiction according to law; the consul of the nation to which the deceased person belongs limiting himself to representing the heirs who are absent, or are minors, or are incapacitated, as

any person would do who was provided with a regular power of attorney. Which I hasten to make known to your lordship, requesting you to communicate it to your Government; that, I doubt not, will be able to appreciate the conciliatory views which have animated the Government of her Majesty in adopting the measure I have mentioned. I avail myself, &c. - It is conformable. - There is a rubric. - A copy.

Diaz de Arquelles,
Director General.

Havana, March 27, 1857.

A copy: Manuel Aquirre,
Commissioned Secretary of Superior Civil Government.

any person would do who was provided
with a regular power of attorney. I think
I should be able to make the necessary
arrangements for the communication of the
your Government. But, I don't think
will be able to communicate the case
directly, as I have a communication
the Government of the United States
and the means of communication. I
must myself of the Government of the
is a matter. I copy
thing is required
directly from

1857
The above these
papers issued
the book
the Commission
process -
S. J. C.

Department of State

Havana. Intestate Estates.

The following papers have
been used by the U.S. Consul at Havana.
(Translation.)

Government, Captain-Generalship, and
Delegated Superintendency of Treas-
ury of the ever faithful island
of Cuba.

Office of Secretary of Government.

The General Bureau of Col-
onies has communicated, under date of the
30th of January last, to this Government
and Captain-Generalship, by royal order,
the following:

"Most excellent Sir: The Min-
ister of State says, under date of the 28th
instant, to the Minister of State and Col-
onies, as follows: In view of the com-
munication of your excellency of the
13th of September last, relative to the
application in the provinces beyond
sea of what is prescribed in regard
to intestate estates of foreigners dying
in the Peninsula by article 28 of the
royal decree respecting foreigners, of
the 17th of November, 1852, a circular,

of which I annex a copy for your excellency, has been addressed to the foreign diplomatic body residing at this court, making known that hereafter the same regulations will be observed in all the dominions of Spain with regard to the said matter of intestate and testamentary estates of subjects of other countries. By royal order I state this to your excellency in reply to your said communication, requesting that you will be pleased to communicate as soon as possible the appropriate orders to the superior authorities of all the provinces beyond sea, in order to prevent the difficulties which might arise from the regulation, to which reference has been made, coming to the knowledge of the foreign consular agents residing in those provinces before it became known to the said authorities. And the Minister of her Britannic Majesty at this court having made known that he had information that the authorities of Cuba had not yet received the necessary orders to carry into effect said measure, her Majesty has been pleased to

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prescribe that I should lay it before your excellency, so that the said orders may be communicated by the next mail, in case this has not been already done.

By royal order I make this statement to your excellency, and enclose the document which is cited for the purposes that have been indicated; and by the same royal order, communicated by the said Minister of State and Colonies, I transmit it to your excellency for your knowledge and its appropriate fulfilment, together with a copy of the circular which is mentioned."

And for the purposes prescribed by her Majesty (whom God preserve) I have ordered it to be published, together with the circular which is herewith published.

Havana, March 27, 1857.

José de la Concha.